

SUPREME COURT OF INDIA

T.M. Jacob

Vs.

State of Kerala

(D.P. Wadhwa and R.P. Pal JJ.)

02.05.2000

ORDER

D.P. WADHWA, J.

1. Leave granted.

2. In this matter, we had issued notice on March 13, 2000 which reads as under:

It has been mentioned that High Court has taken the view that Article 194 of the Constitution of India would not be applicable in the circumstances of the case and yet it has stated that the matter could be gone into by criminal court. Limited to this, issue notice returnable within six weeks.

3. Although the High Court has remitted the question of applicability of Article 194 of the Constitution of India to the trial court yet at the same time the High Court has said that "On looking into the charge sheet, we are of the view that it is not hit by Article 194 of the Constitution of India." We are of the view that this observation would certainly come in the way of the trial court in applying its independent mind on the question of the applicability of Article 194 of the Constitution of India. We, therefore, direct that the trial court will consider the question of the applicability of Article 194 of the Constitution uninfluenced by any observation made by the High Court in the impugned judgment. The appeal is disposed of.